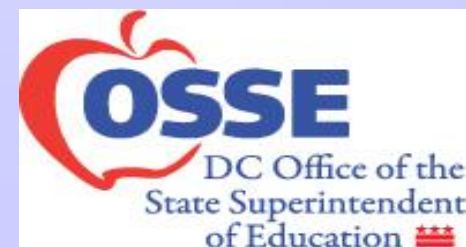


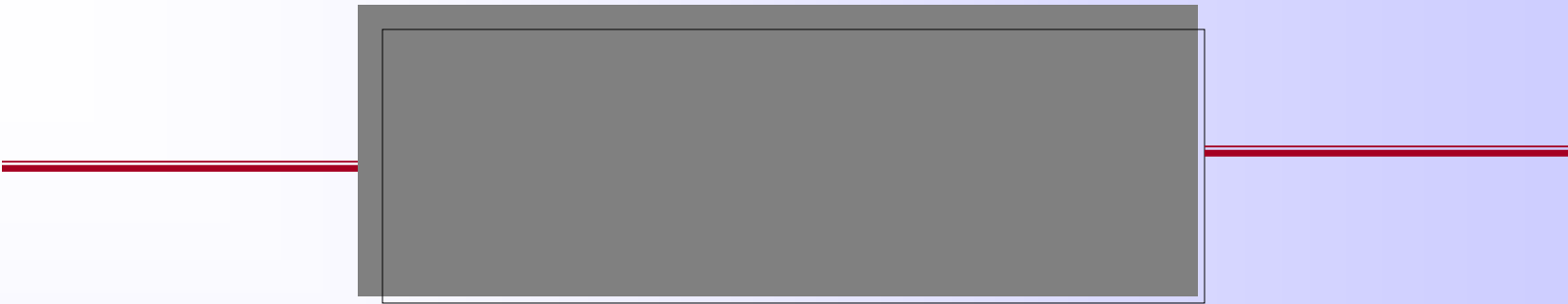
# Initial Evaluation &

# Re-evaluation



Office of the State Superintendent of  
Education  
Division of Educational Excellence  
Training and Technical Assistance  
Facilitator:  
Adrienne Lloyd, Esq.



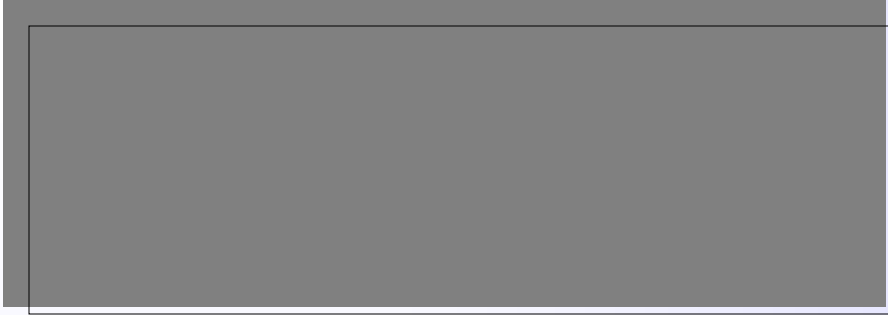


How can we ensure that students with special needs receive a free and appropriate education in the least restrictive environment?

# What is LRE?

“ In compliance with state and federal law, [an LEA] must provide to each protected handicapped student, without discrimination or cost to the student or family, those related aids, services, or accommodations that are needed to provide equal opportunity to participate in and obtain the benefits of the school program and extracurricular activities to the *maximum extent appropriate to the student's abilities.*”

(excerpted from Bateman, David, F., et al (2007). *The Special Education Program Administrators Handbook*: Pearson Education, Inc.)

- 
- 
- Develop an understanding of the initial evaluation and re-evaluation process
  - Learn the benefits of collecting various types of data and how to effectively use them.
  - Know and understand the factors used to determine the need for change in placement from general to special education and the provision of related services.

## This module looks at...

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- Purposes of evaluation
- Requesting evaluation
- Parent consent
- Process of initial evaluation
- IDEA's definition of "child with a disability"
- Eligibility determination
- Re-evaluation



## Purposes of Initial Evaluation

- ❑ To determine whether the child is a “child with a disability,” as defined by IDEA.
- ❑ To gather information that will help determine a child’s educational needs.
- ❑ To guide decision making about an appropriate educational program for the child.

## Requesting an Initial Evaluation

- ❑ A Parent or a Public agency can ask for an initial evaluation of a child.
- ❑ A Public agency must obtain parental consent before conducting an initial evaluation of the child.

# *Before Any Initial Evaluation*

Public agency must:

- ☐ Provide parent with  
prior written notice
- ☐ Provide parent with  
procedural safeguards  
notice
- ☐ Obtain parent's  
informed written consent



# Procedural Safeguards\*

- Notice
- Opportunity for the parents or guardian to examine relevant records
- An impartial hearing, including the opportunity for participation by the parents or guardian, and the right to be represented by counsel.
- The procedural safeguards notice will be distributed only once a year except that a copy will be distributed upon initial referral, when a parent makes a request for an evaluation, when a due process complaint has been filed or if a parent requests a copy.
- The notice will no longer be automatically distributed with the IEP team notice or upon reevaluation. This is only a problem if parents are unaware of their rights, including the right to request this notice if they need one.

\* See §300.504 of the Individuals with Disabilities Education Act



*Consent is for initial evaluation,  
nothing more.*

---

Parent consent for initial evaluation **must not**  
be construed as consent for initial provision of  
special education and related services.

# Parent Consent for Initial Evaluation

**What is the public agency's obligation if:**

- ☐ Parent does not provide consent for initial evaluation?
- ☐ Parent does not respond to a request to provide consent?

## Key Points about Initial Evaluation

- ❑ Must be conducted within 120 days of parental consent for evaluation (varies by state)
- ❑ Must be full and individual



## Key Points about Initial Evaluation

- ❑ Must use a variety of assessment tools and strategies
- ❑ Must gather relevant information about the child



- ✓ Functional
- ✓ Developmental
- ✓ Academic

Including any information that is gathered from the child's parents

# IDEA Updates

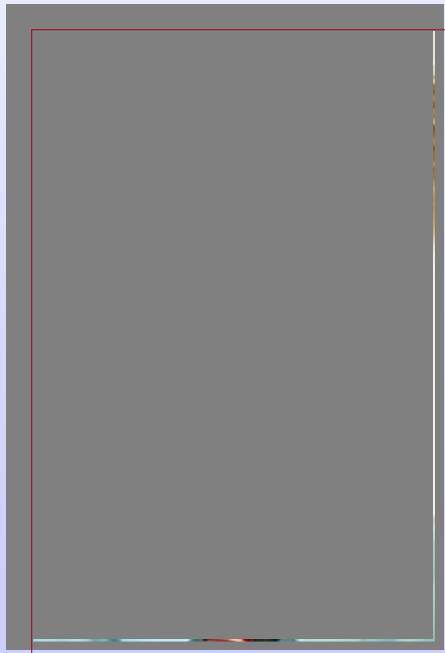
- <http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CVideoClips%2C6%2C>



Let's look at  
data!

## Review of Existing Evaluation Data

*As part of an initial evaluation (if appropriate)*  
IEP team and other qualified professionals, as appropriate, must review existing evaluation data on the child, including:



- ☐ Information and evaluations provided by parents
- ☐ Current formal and informal assessments (classroom-based, local, or State)
- ☐ Classroom-based observations
- ☐ Observations by teachers and related service providers



## Types of Data

Qualitative Data	Quantitative Data
<p>Provides descriptions. Data can be observed, but not measured. E.g., Colors, textures, smells, tastes, appearance, etc.</p> <p><b>Qualitative = Quality</b></p>	<p>Can be represented numerically. Data which can be measured. E.g., Length, height, area, volume, weight, speed, time, percentages, levels, cost, members, ages, etc.</p> <p><b>Quantitative = Quantity</b></p>

## Types of Assessments

Formative Assessment	Summative Assessment
<p>Utilized to immediately determine whether students have learned what the instructor intended. This type of assessment is intended to help instructors indentify material which needs to be clarified or re-taught.</p> <p>Typically, this data is usually not used to evaluate or grade students.</p>	<p>Cumulative in nature and is utilized to determine whether students have met the course goals or student learning outcomes at the end of a course or program.</p>

## Identifying Data

What types of data are currently being used by IEP teams in the special education evaluation process to determine

- 1) whether a student may need additional support, and
- 2) what the additional support should look like?

10 minutes

You *can not* ensure

FAPE,

LRE,

or

Effective School-wide Instruction

without **Data**

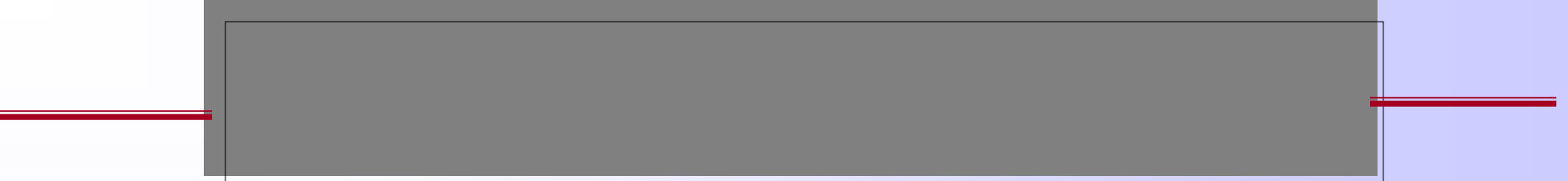
## Types of assessments that should be used throughout the school year:


1. Screening
2. Progress Monitoring
3. Diagnostic
4. Outcome

# Screening

- Quick and efficient measures of a student's overall ability and critical skills.

Results should be used as a starting point for instruction or to indicate the need for further evaluation

- 
- Determines the rate of a student's progress.
  - Provides information on the effectiveness of classroom instruction and identifies areas in need of intervention.
  - Identifies the need for additional assessments/testing.
  - Provides a frame of reference for interpretation and identification of gaps between benchmarks and achievements.

- 
- In-depth, reliable assessment of target skills.
  - Used for planning more effective instruction and interventions.
  - Results should be used for intervention.

\*See slides 52 -63





Given at the end of the year

- Group administered test
- School, district and reporting services

## Dip Sticking

- How many of the four are being used in your school?
- How many are being used in all of your classroom?

# Home/School Connection

Parents and families must be involved in their child's educational experience.

Questions to ask:

- How can we foster open lines of communication?
- What methods will you use to do this?

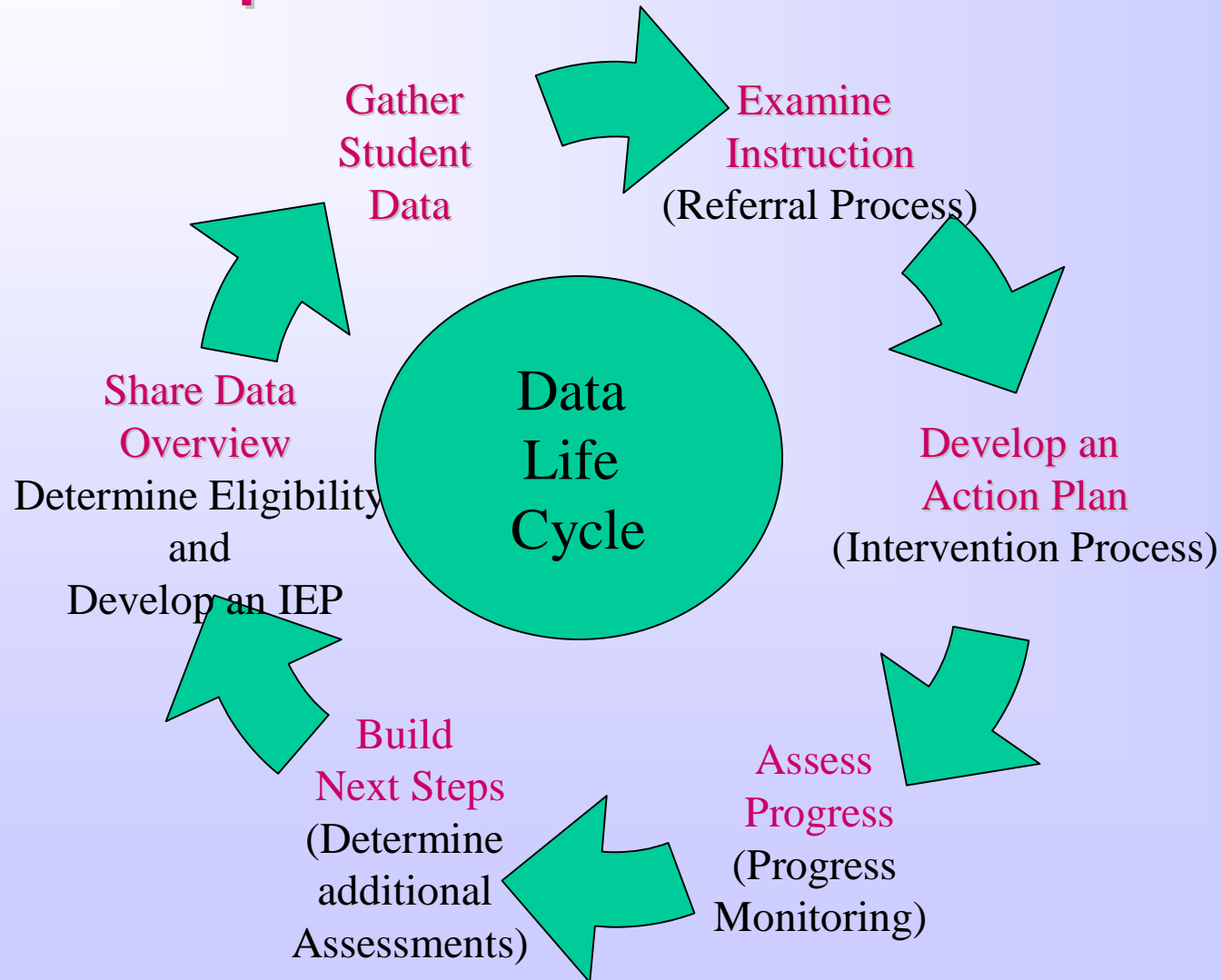
## Notes to Remember

1. All teachers must routinely use a variety of supports as soon as a student begins to struggle in their classroom.
2. Intervention based on screening data must be among the first steps of special education referral.
3. All schools should have a process for routinely reviewing all students' progress through the use of universal screening tools

# RTI

Response to Intervention strategically employs a variety of academic and behavioral interventions in order to determine whether a learning disability could, in fact, be the cause of a student's academic (and/or behavioral) problems.

# The Cycle of Data Wise Improvement Process



Now that we have taken a  
look at the data and the  
process for review,  
*what's next* in the  
evaluation process?

## Review of Existing Evaluation Data

*On the basis of the review and input from the parents:*

The team identifies what additional data (if any) are needed to determine:

- ☐ If child is a “child with a disability”
- ☐ Child’s educational needs
- ☐ Child’s present levels of academic achievement and related developmental needs
- ☐ Whether child needs special education and/or related services





## Review of Existing Evaluation Data

- ❑ Are any additions or modifications to the special education and related services needed to enable the child...



- ✓ To meet annual goals in the IEP
- ✓ To participate in general education curriculum (*as appropriate*)

*Group may conduct its review without a meeting.*

## Review of Existing Evaluation Data

**Is there enough data to provide the info needed?**

☐ Yes.

Public agency must  
notify parents:

- ✓ of that determination and the reason for it
- ✓ that parents have the right to request an assessment of child

☐ No.

Public agency must  
administer assessments  
and other measures to  
produce the data needed.

## Determining the Child's Eligibility

A group of qualified professionals and the parent determines whether the child is a “child with a disability.”

Factors involved in making this determination:

- ✓ How IDEA defines “child with a disability”
- ✓ IDEA's special rule for eligibility determination
- ✓ A variety of information sources

# Determining the Child's Eligibility

## IDEA's Special Rule

A child must not be determined to be a “child with a disability” if the determinant factor for deciding so is...

- ✓ Lack of appropriate instruction in reading...
- ✓ Lack of appropriate instruction in math, *or*
- ✓ Limited English proficiency; *and*
- ✓ If the child does not otherwise meet the eligibility criteria at §300.8(a).

## Determining the Child's Eligibility

The Public agency must draw upon information from a variety of sources, including:

- ✓ Aptitude tests
- ✓ Achievement tests
- ✓ Parent input
- ✓ Teacher recommendations

Information about child's:

- ✓ Physical condition
- ✓ Social or cultural background
- ✓ Adaptive behavior

The Public agency must ensure that information obtained from all these sources is documented and carefully considered.

# Determining the Child's Eligibility



IDEA contains “Additional Procedures for Identifying Children with Specific Learning Disabilities.”



# “Child with a Disability”

---

(a) *General.* (1) *Child with a disability* means a child evaluated in accordance with §§300.304 through 300.311 as having mental retardation, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as “emotional disturbance”), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.

(2)(i) Subject to paragraph (a)(2)(ii) of this section, if it is determined, through an appropriate evaluation under §§ 300.304 through 300.311, that a child has one of the disabilities identified in paragraph (a)(1) of this section, but only needs a related service and not special education, the child is not a child with a disability under this part.

(ii) If, consistent with §300.39(a)(2), the related service required by the child is considered special education rather than a related service under State standards, the child would be determined to be a child with a disability under paragraph (a)(1) of this section.

(b) *Children aged three through nine experiencing developmental delays.* *Child with a disability* for children aged three through nine (or any subset of that age range, including ages three through five), may, subject to the conditions described in §300.111(b), include a child—

(1) Who is experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: Physical development, cognitive development, communication development, social or emotional development, or adaptive development; and

(2) Who, by reason thereof, needs special education and related services.

(1) **Child with a disability** means a child evaluated in accordance with §§300.304 through 300.311 as having...

---



- ✓ autism
- ✓ deaf-blindness
- ✓ deafness
- ✓ emotional disturbance
- ✓ hearing impairment
- ✓ mental retardation
- ✓ multiple disabilities
- ✓ orthopedic impairment
- ✓ other health impairment
- ✓ specific learning disability
- ✓ speech or language impairment
- ✓ traumatic brain injury *or*
- ✓ visual impairment (including blindness)

---

...and who, **by reason thereof**, needs special education and related services.



---

**Who, by reason thereof...**

---

# Child with a Disability

---

Under §300.8(b), a State may adopt a definition of “child with a disability” that includes:



Children aged  
3 through 9\*  
who are  
experiencing  
“developmental  
delays”

---

*\*(or any subset  
of that age range)*

# *D*evelopmental Delay?

---

Defined by the State.

Measured by appropriate diagnostic instruments and procedures, in 1 or more of these areas:



- physical development
- cognitive development
- communication development
- social or emotional development *or*
- adaptive development

In the District of Columbia a child must be between three through seven.

Definition includes that all-important “*by reason thereof.*”



Is the child a “*child with a disability*” under IDEA?

## Upon completion of the administration of assessments and other evaluation measures

---



The Public agency provides parents with...

- ✓ a copy of evaluation report
- ✓ documentation of eligibility determination

...at no cost to the parent.

## Re-evaluations

May occur not more than  
once a year—

*Unless parent and public  
agency agree otherwise*

*Must* occur at least once  
every 3 years—

*Unless parent and public  
agency agree a re-evaluation  
is unnecessary*

## What a re-evaluation shares with an initial evaluation:

- ✓ Its purposes
- ✓ Prior written notice
- ✓ Procedural safeguards notice\*
- ✓ Review of existing evaluation data
- ✓ Make efforts to obtain parent consent
- ✓ Gathering additional data, if needed
- ✓ Parent involvement in evaluation group
- ✓ Parent involvement in eligibility determination
- ✓ Factors involved in determining eligibility
- ✓ Reporting to parents



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\*Upon parent request for an evaluation

## Other Evaluation Provisions

An evaluation is required before determining a child is no longer a “child with a disability” **except**—



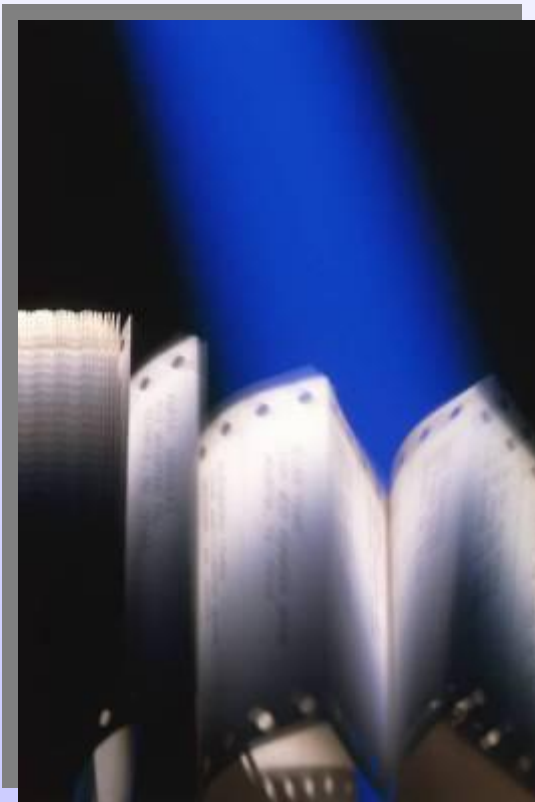
... when the child’s eligibility under Part B ends because:

- ✓ the child graduates from secondary school with a regular diploma; or
- ✓ the child exceeds age eligibility for FAPE under State law.



## Other Evaluation Provisions

When child's eligibility under Part B ends...



...Public agency must provide child with:

- ✓ Summary of child's academic achievement and functional performance, including...
- ✓ Recommendations on how to assist child in meeting his or her postsecondary goals

# Additional Resources

- Bateman, David, F., et al (2007). *The Special Education Program Administrators Handbook*: Pearson Education, Inc.
- McCarney, Stephen, Ed.D., et al (2006). *Pre-Referral Intervention Manual 3<sup>rd</sup> Ed.*: Hawthorne Educational Services, Inc.
- Bateman, B. and Herr, C., *Writing Measurable IEP Goals and Objectives*
- Mandalawitz, M., *What Every Teacher Should Know About IDEA 2004 Laws and Regulations*
- Wright, P., Esq., *Special Education Law* (2<sup>nd</sup> Ed.)
- [www. Wrightslaw.com](http://www.Wrightslaw.com)
- [IDEA.ed.gov](http://IDEA.ed.gov)

# Contact Information

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*Training and Technical Assistance Specialist*

Email: [adrienne.lloyd@dc.gov](mailto:adrienne.lloyd@dc.gov)

Phone Contact: 202.741.0267

# **SPECIAL EDUCATION TESTING MATERIALS**

- AAMD Adaptive Behavior Scale (ABS)
- ADD-H Comprehensive Teacher's Rating Scale, 2nd Ed (ACTERS)
- Assessment of Children's Language Comprehension (ACLC)
- Basic Concept Inventory
- Battelle Developmental Inventory (BDI)
- Behavior Assessment System for Children (BASC)
- Behavior Dimensions Rating Scale (BDRS)
- Behavior Rating Profile (BRP)
- Behavioral Intervention Planning – Revised (BIP-R)
- Brigance Diagnostic Comprehensive Inventory of Basic Skills
- Brigance Diagnostic Comprehensive Inventory of Basic Skills – Revised (CIBS-R)
- Brigance Diagnostic Employability Skills Inventory

# **SPECIAL EDUCATION TESTING MATERIALS**

## **(Cont'd)**

- Brigance Diagnostic Inventory of Basic Skills
- Brigance Diagnostic Inventory of Early Development
- Brigance Diagnostic Inventory of Essential Skills
- Burks Behavior Rating Scale
- Burns-Roe Informal Reading Inventory (Preprimer to Twelfth Grade)
- Burns-Roe Informal Reading Inventory (Preprimer to Twelfth Grade)
- Child Behavior Checklist and Child Behavior Profile
- Classroom Reading Inventory
- Columbia Mental Maturity Scale
- Comprehensive Test of Phonological Processing (CTOPP)
- Conner's ADHD Questionnaire
- Detroit Tests of Learning Aptitude (DTLA)

# **SPECIAL EDUCATION TESTING MATERIALS**

## **(Cont'd)**

- Detroit Tests of Learning Aptitude-Primary (DTLA-P)
- Detroit Tests of Learning Aptitude-2 (DTLA-2)
- Devereux Adolescent Behavior Rating Scale
- Diagnostic Achievement Battery, 2nd Edition (DAB-2)
- Diagnostic Achievement Test for Adolescents, 2nd Edition (DATA-2)
- Diagnostic Test of Arithmetic Strategies (DTAS)
- Early Detection Inventory
- Emotional or Behavior Disorder Scale-Revised (EBDS-R)
- Evanston Early Identification Scale
- Frostig Developmental Test of Visual Perception

# **SPECIAL EDUCATION TESTING MATERIALS**

## **(Cont'd)**

- Goodenough-Harris Drawing Test [Folder 1 &2]
- Gray Oral Reading Tests-Diagnostic (GORT-D)
- Gray Oral Reading Tests, 4th Edition (GORT 4)
- Growing: Birth to 3
- Illinois Test of Psycholinguistics (ITPA) [Prueba Illinois de Habilidades Psicolinguistics]
- Kaufman Assessment Battery for Children (KABC)
- Kaufman Brief Intelligence Test (KBIT)
- Kaufman Brief Intelligence Test, 2nd Edition, (KBIT2)
- Kaufman Test of Educational Achievement-Brief Form (K-TEA)
- Kaufman Test of Educational Achievement-Comprehensive Form (K-TEA)
- KeyMath-Revised (KeyMath-R) [Folder 1&2]

# **SPECIAL EDUCATION TESTING MATERIALS**

## **(Cont'd)**

- KeyMath-Revised, Normative Update (KeyMath-R/NU) [Folder 1&2] Language Sampling, Analysis and Training (LSAT)
- Lindamood Phoneme Sequencing Program for Reading, Spelling, and Speech
- Manual for Child Behavior Checklist/4-18 and 1991 Profile (Achenbach)
- Manual for the Teacher's Report Form and 1991 Profile (Achenbach)
- Manual for the Youth Self-Report and 1991 Profile (Achenbach)
- McCarthy's Scales of Children's Ability
- Miller-Yoder Language Comprehension Test
- Minnesota Multiphasic Personality Inventory-Adolescent (MMPI-A)



# **SPECIAL EDUCATION TESTING MATERIALS**

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- **Gray Oral Reading Tests-Diagnostic (GORT-D)**
- **Gray Oral Reading Tests, 4th Edition (GORT 4)**
- **Growing: Birth to 3**
- **Illinois Test of Psycholinguistics (ITPA) [Prueba Illinois de Habilidades Psicolinguistics]**
- **Kaufman Assessment Battery for Children (KABC)**
- **Kaufman Brief Intelligence Test (KBIT)**
- **Kaufman Brief Intelligence Test, 2nd Edition, (KBIT2)**
- **Kaufman Test of Educational Achievement-Brief Form (K-TEA)**
- **Kaufman Test of Educational Achievement-Comprehensive Form (K-TEA)**
- **KeyMath-Revised (KeyMath-R) [Folder 1&2]**

# **SPECIAL EDUCATION TESTING MATERIALS**

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- Manual for the Youth Self-Report and 1991 Profile (Achenbach)
- McCarthy's Scales of Children's Ability
- Miller-Yoder Language Comprehension Test
- Minnesota Multiphasic Personality Inventory-Adolescent (MMPI-A)
- Mooney Problem Checklists

# **SPECIAL EDUCATION TESTING MATERIALS**

## **(Cont'd)**

- Mooney Problem Checklists
- Goldman-Fristoe-Woodcock (GFW) Auditory Skills Test Battery 1
  - - Auditory Memory Tests
  - - Auditory Selective Attention Test
  - - Diagnostic Auditory Discrimination Test - Part I
  - - Diagnostic Auditory Discrimination Test - Part II & III
  - - Sound Symbol Test
- Motor-Free Visual Perception (MVPT) 1
- Multilevel Academic Survey Test (MAST) 1
- Northwestern Syntax Screening Test 1
- Peabody Individual Achievement Test (PIAT) Volumes I & II 1
- Peabody Individual Achievement Test-Revised (PIAT-R) [Folder 1&2]

# **SPECIAL EDUCATION TESTING MATERIALS**

## **(Cont'd)**

- Peabody Individual Achievement Test-Revised (PIAT-R) ASSIST for Apple Version
- Peabody Picture Vocabulary Test-Revised (PPVT-R) Form L;
- Volumes 1-25
- Piers-Harris Children's Self-Concept Scale (PHCSC)
- Quick-Score Achievement Test (Q-SAT)
- Reinforcer Assessment Kit
- School Behavior Checklist
- Slosson Intelligence Test (SIT)
- Social Skills Improvement System (SSIS) Rating Scales
- Social Skills Rating System
- Stanford Diagnostic Reading Test
- Sucher-Alfred Reading Placement Inventory
- Templin-Darley Test of Articulation

# **SPECIAL EDUCATION TESTING MATERIALS**

## **(Cont'd)**

- Test of Adolescent Language (TOAL)
- Test of Early Reading Ability, Second Edition (TERA-2)
- Test of Language Development (TOLD)
- Test of Language Development-2 Primary (TOLD-2)
- Test of Mathematical Abilities, Second Edition (TOMA-2)
- Test of Memory and Learning (TOMAL)
- Test of Phonological Awareness (TOPA)
- Test of Reading Comprehension (TORC)
- Test of Written Language (TOWL-2)
- Test of Written Language, Second Edition (TOWL-2)
- Test of Written Spelling (TWS-2)
- The Instructional Environment Scale (TIES)

# **SPECIAL EDUCATION TESTING MATERIALS**

## **(Cont'd)**

- Utah Test of Language Development
- Vineland Adaptive Behavior Scale
- Walker Problem Behavior Identification Checklist
- Wechsler Fundamentals: Academic Skills
- Wechsler Individual Achievement Test (WIAT)
- Wechsler Individual Achievement Test – 2nd Ed. (WIAT-II)
- Wechsler Intelligence Scale for Children – 3rd Ed. (WISC-III)
- Wechsler Preschool & Primary Scale of Intelligence (WPPSI)
- Wide Range Achievement Test-Revised (WRAT-R)
- Wide Range Achievement Test-3 (WRAT-3)
- Wide Range Achievement Test, 4th Edition (WRAT4)
- Wisconsin Design Math and Word Attack
- Woodcock Reading Mastery Test-Revised (Form B)

# **SPECIAL EDUCATION TESTING MATERIALS**

## **(Cont'd)**

- Woodcock Reading Mastery Test-Revised
- Woodcock Reading Mastery Test-Revised Woodcock-Johnson Psycho Educational Battery (Part I & II) 1
- Woodcock-Johnson Psycho Educational Battery-Revised